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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-00431 JF
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING STATUS
v.)	CONFERENCE FROM APRIL 1, 2009
)	TO APRIL 22, 2009 AND EXCLUDING
FRITZ BRUNZ,)	TIME FROM APRIL 1, 2009
)	THROUGH APRIL 22, 2009 , FROM
)	CALCULATIONS UNDER THE
Defendant.)	SPEEDY TRIAL ACT (18 U.S.C. § 3161)

The parties hereby request that the Court enter this order excluding time from April 1, 2009 through April 22, 2009. The parties, including the defendant, stipulate as follows:

1. The defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, for the period from April 1, 2009 through April 22, 2009 based upon the need for the defense counsel to investigate further the facts of the present case and determine what, if any, motions are appropriate. The government has produced discovery in this case and the defense counsel and defendant require additional time to review and analyze this discovery. A status conference will not be meaningful until after defendant and defense counsel has had an opportunity to complete their investigation. The parties agree that the status conference currently scheduled for April 1, 2009 and should be continued to April 22, 2009 at 9

STIPULATION AND [PROPOSED] ORDER
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1 a.m. In addition, the parties have met and are discussing a potential disposition in this matter,
2 but need additional time to pursue those settlement discussions.

3 2. The attorney for defendant joins in the request to exclude time under the Speedy Trial
4 Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for
5 effective preparation of the defense; believes the exclusion is in the defendant's best interests;
6 and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C. § 3161, should be for
7 the period from April 1, 2009 through April 22, 2009.

8 Given these circumstances, the parties believe, and request that the Court find, that the
9 ends of justice are served by excluding from calculations the period from April 1, 2009 through
10 April 22, 2009 outweigh the best interests of the public and the defendant in a speedy trial under
11 the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

12 IT IS SO STIPULATED.

13
14 JOSEPH P. RUSSONIELLO
United States Attorney

15 Dated: March 11, 2009

16 /s/ Hanley Chew
HANLEY CHEW
Assistant United States Attorney

17
18 Dated: March 11, 2009

19 /s/ Cynthia Lie
CYNTHIA LIE
Assistant Federal Public Defender
Attorney for defendant
Fritz Brunz

20
21 **[PROPOSED] ORDER**

22 Having considered the stipulation of the parties, the Court finds that: (1) the defendant
23 understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18
24 U.S.C. § 3161, from April 1, 2009 through April 22, 2009, based upon the need for the defense
25 counsel to investigate further the facts of the present case, review the discovery that the
26 government has already provided and evaluate further possible defenses and motions available to
27 the defendant; (2) the exclusion of time is necessary for effective preparation of the defense and
28

1 is in the defendant's best interests; and (3) the ends of justice are served by excluding from
2 calculations the period from April 1, 2009 through April 22, 2009.

3 Accordingly, the Court further orders that (1) the status conference set for April 1, 2009
4 is vacated and that the next appearance date before this Court is scheduled for April 22, 2009, at
5 9:00 a.m.; and (2) the time from April 1, 2009 through April 22, 2009 is excluded from time
6 calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

7
8 IT IS SO ORDERED.

9 DATED: 3/18/09



THE HONORABLE JEREMY FOGEL
United States District Court Judge